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PATENT Customer No. 22,852 Attorney Docket No.09812.0412-00

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| In re Application of:   | )                               |
|---|---------------------------------|
| Naohiro NISHIKAWA   | )<br>Group Art Unit: 2655       |
| Application No.: 10/790,460   | )<br>Examiner: Not Yet Assigned |
| Filed: March 1, 2004  | ) Confirmation Number: 9952     |
| For: INFORMATION PROCESSING APPARATUS AND INFORMATION PROCESSING METHOD | )<br>)<br>)                     |
| Commissioner for Patents  |                                 |

P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

## INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed foreign and non-patent literature documents are attached.

Copies of the U.S. patent publications are not enclosed.

A copy of a European search report from a corresponding application is also enclosed.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Non-English Japanese Patent Application Laid-Open Publication No. 2001-

1256716 is cited on page 2 of the specification and an English abstract is also enclosed.

Non-English article for "Conviction to 256M MRAM, Special Number of Cover Story",

written by OSHISHI MOTOYUKI, NIKEEI Electronics, January 20, 2003, pages 83-105

is cited on pages 2 through 3 of the specification.

This submission does not represent that a search has been made or that no

better art exists and does not constitute an admission that each or all of the listed

documents are material or constitute "prior art." If the Examiner applies any of the

documents as prior art against any claim in the application and applicant determines

that the cited documents do not constitute "prior art" under United States law, applicant

reserves the right to present to the office the relevant facts and law regarding the

appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the

patentability of the disclosed invention over the listed documents, should one or more of

the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please

charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,

GARRETT & DUNNER, L.L.P.

Dated: October 26, 2006

Michael R. Kell

Reg. No. 33,921

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| O                                 | P EDS Form PTO/SB/08: Substitute for form 1449A/PTO |                     | Complete if Known  |            |                        |                   |  |
|-----------------------------------|---|---------------------|--------------------|------------|------------------------|-------------------|--|
| 01 4                              |   |                     | Application Number | 10/790,460 |                        |                   |  |
| /                                 | *INFORMATION DISCLOSURE                             |                     |                    |            | Filing Date            | March 1, 2004     |  |
| OCT 2 2006 STATEMENT BY APPLICANT |   |                     |                    |            | First Named Inventor   | Naohiro NISHIKAWA |  |
|                                   |   |                     |                    | VIA I      | Art Unit               | 2655              |  |
| 13                                | <i>\$/</i>  | (Use as many sheets | as necessary)      |            | Examiner Name          | Not Yet Assigned  |  |
| (DO FE                            | o Nicreet   | 1                   | of                 | 1          | Attorney Docket Number | 09812.0412-00000  |  |

|   | U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS |  |                                      |  |   |  |  |
|---|---|--|--------------------------------------|--|---|--|--|
|   | Cite  | Document Number                          | Issue or Publication Date MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where                    |  |  |
|   | No. <sup>1</sup>                                    | Number-Kind Code <sup>2</sup> (if known) |                                      |  | Relevant Passages or Relevant<br>Figures Appear |  |  |
|   |   | US-2002/101677                           | 08-01-2002                           | Dykes et al.                                       |   |  |  |
|   |   | US-6,430,122                             | 08-06-2002                           | Hamada et al.                                      |   |  |  |
|   |   | US-6,546,456                             | 04-08-2003                           | Smith et al.                                       |   |  |  |
|   |   | US-                                      |                                      |  |   |  |  |
|   |   | US-                                      |                                      |  |   |  |  |
|   |   | US-                                      |                                      |  |   |  |  |
| - |   | US-                                      |                                      |  |   |  |  |
|   |   | US-                                      |                                      |  |   |  |  |
|   | *   | US-                                      |                                      |  |   |  |  |
|   |   | US-                                      |                                      |  |   |  |  |
|   |   | US-                                      |                                      |  |   |  |  |

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

|                      | FOREIGN PATENT DOCUMENTS |   |                                |  |  |                          |
|----------------------|--------------------------|---|--------------------------------|--|--|--------------------------|
| Examiner<br>Initials | Cite<br>No. <sup>1</sup> | Foreign Patent Document  Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> ( <i>if known</i> ) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures<br>Appear | Translation <sup>6</sup> |
|                      |                          | JP 2001-256716  | 09-21-2001                     | Fujiwara   |  | Abstract                 |
|                      |                          |   |                                |  |  |                          |
|                      |                          |   |                                |  |  |                          |
|                      |                          |   |                                |  |  |                          |

| NON PATENT LITERATURE DOCUMENTS |              |   |                          |  |  |
|---------------------------------|--------------|---|--------------------------|--|--|
| Examiner<br>Initials            | Cite<br>No.1 | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation <sup>6</sup> |  |  |
|                                 |              | OHISHI MOTOYUKI; "Conviction to 256M MRAM, Special Number of Cover Story", Nikkei Business Publications Inc., Nikeei Electronics; January 20, 2003, pages 83-105.   | No                       |  |  |
|                                 |              |   |                          |  |  |
|                                 |              |   | <u> </u>                 |  |  |
|                                 |              |   |                          |  |  |

| Examiner  | Date       |
|-----------|------------|
| Signature | Considered |
|           |            |

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.